IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8235 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KANAIYALAL BABULAL PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 8235 of 2004

MR DHARMESH V SHAH for Petitioner No. 1

MR BIPIN I MEHTA for Respondent No. 1

RULE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 23/07/2004

ORAL JUDGEMENT

1. The present petitioner has preferred this petition under Article 226 of the Constitution of India, whereby he seeks a direction against the respondent authority to carry out necessary change in the name of the petitioner in the passport.

2. Learned counsel appearing for the petitioner submits that there is an adoption of the petitioner by Shri Babulal Chandulal Patel and, therefore, the original father's name Shri Laxmandas Kevaldas Patel was reflected in School Leaving Certificate. The adoption deed is registered and the same is presented in the petition as Annexure "C" to the petition.

3. Learned counsel for the respondent mainly submits that the original father's name was reflected in the School Leaving Certificate. Similarly, other documents of the present petitioner, do not reveal the name of Shri Babulal Chandulal Patel as a father of the petitioner and, therefore, the passport authority is not in a position to issue a passport in the name of petitioner reflecting the name of father's Shri Babulal Chandulal Patel.

4. Looking to the facts and circumstances of the case, the respondent authority is directed to carry out necessary change in the father's name of the petitioner in the passport, after verifying the genuineness and correctness of the document as Annexure "C" and, thereafter to issue passport in the name of petitioner reflecting the name of Shri Babulal Chandulal Patel as a father of Shri Kanaiyalal Babulal Patel - petitioner herein.

5. The petition is accordingly allowed. Rule made absolute to the aforesaid extent. No order as to costs. Direct service is permitted.

[D.N.Patel,J.]
(vijay)